

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 2004-10991-NG

KENNETH M. WHITE
and MANDY DIAS,
Plaintiffs

V.

ERIC MADONNA
and CITY OF FALL RIVER,
Defendants

ORDER ON

**MOTION TO COMPEL ANSWERS TO INTERROGATORIES
(Docket # 16),**

**MOTION TO COMPEL ANSWERS TO INTERROGATORIES
(Docket # 17),**

**MOTION TO COMPEL PRODUCTION OF DOCUMENTS
(Docket # 18),**

and

**MOTION TO COMPEL PRODUCTION OF DOCUMENTS
(Docket # 19)**

ALEXANDER, M.J.

The plaintiffs in this case, Kenneth M. White and Mandy Dias, have filed motions to compel answers to interrogatories and the production of documents

from defendants Eric Madonna and the City of Fall River.¹ According to the plaintiffs' motions, the interrogatories and requests for documents were served on the defendants on September 27, 2004. Neither Mr. Madonna nor the City of Fall River has, to date, responded to the requests. Furthermore, neither Mr. Madonna nor the City of Fall River has responded to the current motions to compel, which were filed on March 25, 2005.²

Following a status conference before this Court on February 28, 2005, the Court allowed the plaintiffs' motion to modify and re-establish the scheduling order ("the scheduling motion") following the parties' unsuccessful mediation. The Court's electronic Order regarding the scheduling motion states, *inter alia*, that "[t]his Court does take note . . . that the defendant, Eric Madonna, is in military service in Iraq. Discovery shall continue, particularly with respect to the City of Fall River. If an issue develops respecting Mr. Madonna, the parties shall inform the Court." Defense counsel has not informed the Court of any such issue

¹The plaintiffs filed four separate motions: a motion to compel interrogatory answers from Mr. Madonna (docket # 16); a motion to compel interrogatory answers from the City of Fall River (docket # 17); a motion to compel the production of documents from Mr. Madonna (docket # 19); and a motion to compel the production of documents from the City of Fall River (docket # 18).

²Although the plaintiffs' motions to compel were filed on March 25, 2005, the accompanying Local Rule 37.1 certificate was not received by the Court until April 26, 2005, due to an inadvertent error in the original filing.

as to Mr. Madonna or, for that matter, of any reason why the City of Fall River has not responded to the written discovery requests. The Court therefore **ALLOWS** the plaintiffs' motions to compel and **ORDERS** the defendants to answer the plaintiffs' interrogatories and respond to the plaintiffs' document requests, or to demonstrate to this Court why they are unable to do so, within ten days of receipt of this Order.

SO ORDERED.

4/29/05

Date

/S/ Joyce London Alexander

United States Magistrate Judge